

**Virginia Board for Protection and Advocacy
Virginia Office for Protection and Advocacy
May 21, 2003**

Board Members Present: Barbara S. Barrett, Chair
Maureen S. Hollowell, Vice-Chair

Martha Bryant
Raymond F. Burmester
Waja Grimm
Marion S. Hawk
Susan R. Kalanges
Okpil Kim
Elizabeth Priaulx

**Board Members Present
By Telephone:** Michael Cooper

VOPA Staff Present: Claunita Jackson
Colleen Miller

(Through parts of the meeting) Gary Conover
Robert Ingram
Jonathan Martinis

Board Members Absent: Brent Brown

DD Advisory Council Absent Peter Toby Brown, Chair

PAIMI Advisory Council Absent: Mark Lester, Chair

Guests Present: Jessica Burmester
Kim Thomas

May 21, 2003

CALL TO ORDER

Ms. Barbara S. Barrett, Chair called the meeting to order at 9:30 a.m. There was a welcome and introduction of Board members, staff, and visitors. Board member Michael Cooper participated by teleconference, due to a medical emergency.

REVIEW OF AGENDA

Agenda items were reviewed. Additional topics for discussion were added. A MOTION was made by Ms. Grimm to approve the additions to the agenda and was seconded by Mr. Burmester. The MOTION carried unanimously.

PUBLIC COMMENT

There was no public comment offered.

APPROVAL OF MINUTES OF FEBRUARY 19, 2003 MEETING

The Chair called for the approval of the minutes. The minutes of the February 19, 2003 meeting were approved. A MOTION was made by Ms. Hollowell and was seconded by Mr. Burmester. The MOTION carried unanimously. The Chair asked if a response had been provided to Ms. Lewis' statement from the February 19, 2003 Board meeting. Ms Miller stated that she believed Jonathan Martinis, as Acting Director, had responded but that she would verify it.

LEGAL RIGHTS FOCUS

Freedom of Information Act (FOIA)

Robert Ingram, VOPA Staff Attorney, gave a brief overview on the Freedom of Information Act (FOIA). Board members received a copy on FOIA prior to the meeting, for their review. During the overview, Board members asked questions and there was some discussion.

PRESIDENT'S REPORT

The Chair announced that the President's Report was something new on the agenda. The President's Report contained recent activities for the Board's Chair and Executive Director.

The Chair reported that on April 2, 2003, she and the Executive Director visited the Virginia Office for Protection and Advocacy (VOPA) satellite office in Staunton, VA. and Western State Hospital (WSH). The Chair encouraged other Board members to visit the satellite offices when possible. In addition, the Chair reported that she and the Executive Director met with Mary Ann Bergeron, Executive Director of the Virginia Community Services Board (VACSB) and Howard Cullen, a former Secretary of Health and Human Services and former Commissioner for the Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS).

The Chair continued to report that on April 17, 2003, she, Maureen Hollowell, and the Executive Director attended the Developmental Disabilities (DD) Advisory Council meeting held in Charlottesville. Once again, she encouraged Board members to attend meetings for both Councils. Members are still needed to fill vacant positions on both Councils. Applications are available on the VOPA website.

On May 14, 2003, the Chair and the Executive Director participated in the National Association of Protection and Advocacy Systems (NAPAS) "Never ending Virtual Legislative Day" teleconference call. The Chair reported that an update was given on federal legislative issues, federal budget and appropriations, IDEA reauthorization, Medicaid reforms and funding, the reauthorization of the Rehabilitation Act, the Assistive Technology Act, and Temporary Aid to Needy Families (TANF).

She continued to report, that on May 15, 2003, she attended the meeting of the Department of Mental Health, Mental Retardation, and Substances Abuse Services Stakeholders Forum.

It was also reported that the Executive Committee would be working on a six-month evaluation form that would be used to evaluate the work of the Executive Director. The Executive Committee was open to receive suggestions from other Board members with a draft form. She indicated that staff suggestions would also be considered.

The Chair congratulated Board member Ray Burmester for being this year's recipient of the James C. Wheat, Jr. Award. The "James C. Wheat, Jr. Award for Service to Virginians with Disabilities" is given annually by the Virginia Board for People with Disabilities to recognize an individual who

represents the standards of commitment and service that have been exemplified through Mr. Wheat's efforts on behalf of Virginians with disabilities.

OLD BUSINESS

The Chair gave an update on old business. It was reported that the Monitoring Technical Assistance Review (MTAR) for the Protection and Advocacy of Individuals with Mental Illness (PAIMI) and Developmental Disabilities (DD) Programs has been postponed until next year.

Disability Commission

Ms. Hollowell gave a brief update on the Disability Commission. Following the update there was a discussion of VOPA's future position with the Disability Commission followed by a MOTION. Okpil Kim made a MOTION for the Board to be in support of the continuation of the Disability Commission and was seconded by Mr. Burmester. The MOTION carried unanimously.

Following the MOTION there was some discussion. From that discussion, Ms. Miller and Ms. Hollowell agreed to create a legislative fact sheet.

Ombudsman Program

Colleen Miller, Executive Director reported that VOPA will need to develop a legislative funding request if this program is to proceed.

Business Cards

In response to Board members expressed interest in having "general" VOPA Board business cards. Business cards were presented during the meeting.

Update of Virginia Commonwealth University (VCU)

Colleen Miller, Executive Director reported that the contract between the VCU, Survey and Evaluation Research Laboratory (SERL) has been cancelled. VOPA plans to conduct a similar survey continuing with the National Alliance for the Mentally Ill Virginia Chapter (NAMI-VA), using a mailing list that would be comprised from a list provided by NAMI-VA and Families First. Following the update there was some discussion. Martha Bryant made a MOTION to have Jonathan Martinis, Managing Attorney give a brief update on the survey and was seconded by Waja Grimm. The MOTION was withdrawn.

RECESS

At 12:05 p.m., the Chair recessed the meeting for lunch and to allow the Nominating Committee to meet.

RECONVENE

The Board meeting reconvened at 12:50 p.m.

OLMSTEAD TASK FORCE

Mr. Martinis gave an update on the work of the Olmstead Task Force Team. He reported that the draft summary report is completed. Following the report there was a discussion. Ms. Miller has agreed to provide Board members with some legislative talking points that will enable Board members to communicate with legislators. The next meeting of the Task Force is scheduled for June 2.

REPORTS

Executive Director

Colleen Miller gave an update on the reauthorization of the Individuals with Disabilities Education Act (IDEA). She also reported on training that was provided to staff on conflicts of interest. Several staff persons had the opportunity to provide case details on some of their work. It was also reported that staff have been working on getting better quality services in the area of functional behavioral assessments for clients in special education. A video on the controversial story of Mr. Hope was shown at the staff meeting. Mr. Hope is a service animal who accompanies a six year old boy who has a history of seizures. It was also reported that two of VOPA's staff recently attended the NASCAR race at Richmond International Raceway to ensure that it was accessible for persons with disabilities. Details of the visit were offered by a power point presentation at the staff meeting.

Development Disabilities Advisory Council

In the absence of the DD Advisory Council Chair, Gary Conover, Managing Attorney for the DD Program gave an update. It was reported that Council is working on obtaining members for its membership. The DD Advisory Council, under the direction of the Board, is expanding its work to become a broader-based Council. It was also reported that Council is working on changing its bylaws as part of the expansion. The next Council meeting is scheduled for July 17, 2003.

Protection and Advocacy of Individuals with Mental Illness Council

In the absence of the PAIMI Council Chair, Jonathan Martinis, Managing Attorney for the Protection and Advocacy of Individuals with Mental Illness Program gave an update. It was reported that during the last Council meeting, there was discussion on case and program progress. Mr. Martinis reported that one of the many challenges that Council is faced with is having adequate membership. Council is taking measures to recruit for its membership. During the last meeting, Council did not have a quorum. Mr. Martinis reported that, Council is working to change its rules for conducting business.

Executive Director, Colleen Miller, stressed to the Board how important it is for everyone to work on recruiting for both DD and PAIMI Council membership. Ms. Miller stated that she and the Board's Chair will be working on ways to recruit and building up Council membership, which will include receiving input from staff. Collectively, we need representation from across the state, disability groups, communities, and ethnic groups. Anyone who may have an interest in becoming a member of either Council is encouraged to apply. The next meeting of the PAIMI Advisory Council is scheduled for June 19 and Board members are encouraged to attend.

Following the report, there was a discussion on the draft report prepared by the PAIMI Managing Attorney on the failures of one particular facility and findings of neglect.

Also, the Board has requested that program reports be streamlined in the future by reporting only new case information and highlight areas of special attention and problems when reporting case information. If there is nothing new to report then simply state "nothing new to report".

Ms. Hollowell indicated that she realized that the DD Advisory Council had been working on the issue of Authorized Representative (AR) and Guardianship. She wanted to know if the Office had been invited to participate with the Virginia Board for People with Disabilities (VBPD) and other agencies/organizations who have come together to address their issues with Authorized Representative and Guardianship. Mr. Conover reported that VOPA has been invited to participate

and plans on attending the first meeting. The first meeting is scheduled for Friday, May 23. It was reported that there is one known legislator who is interested and will be participating.

In addition, Ms. Hollowell wanted to know what has been done under Goal 2, Priority 2.1 to assess extending Critical Incidents Reporting (CIR) to private community-based facilities. Mr. Conover reported that VOPA has sent and received its request to all governmental agencies asking for their reporting requirements. All of the information received is now being analyzed by Kim Ware and a full report will be presented at the August Board meeting.

Under Priority 3, there was a discussion on how this priority provided the same services for residents in training centers deemed ready for discharge verses those residing in ICF/MRs, nursing homes, or other non-state operated facilities.

Under Goal 3, Ms. Hollowell has requested that the research and analysis under this priority be completed before the next Board meeting, so that it can be implemented into next years' priorities. Mr. Conover assured Board members that it would be available.

Update of Virginia Commonwealth University Continues

Mr. Martinis gave an update on the research project proposal approved by the Board at its last meeting in February. It was reported that VOPA ended its contract with VCU because they attempted to make too many changes to the initial agreement that had been proposed by Mr. Martinis to the Board. Since that time, VOPA has continued with the research work along with National Alliance for the Mentally Ill and the local self-help group called VOCAL. The survey is now essentially in NAMI's hands

Litigation

Ms. Miller gave an update on litigation. It was reported that VOPA has received a decision on the motion to dismiss against the Department of Education. We survived several aspects of the motion to dismiss and the case will continue.

Budget

Ms. Miller gave an update on the budget. It was reported that Board member Okpil Kim met with Executive Director, Ms. Miller, Business Manager, Annette Sannuti, and Budget Analyst, Yvette Simard on Monday to discuss the budget. Ms. Miller reviewed budget reports with Board members reporting that VOPA is approximately 85% through its fiscal year but only at about 56% in spending. Following the report, there was some discussion.

COMMITTEE REPORTS

Nominating Committee

Waja Grimm, Chair, Martha Bryant, and Susan Kalanges reported that the Committee had proposed to nominate Barbara Barrett as Chair, Maureen S. Hollowell as Vice-Chair, and Okpil Kim as Treasurer to a full term. The Board will take actions on the proposed nominations at its next meeting.

Following the report, there was some discussion. Ms. Miller agreed to research the legal implications of the title "treasurer."

Policy Committee

Ms. Hollowell gave the report of the Policy Committee. It was reported that there will be two policies for Board members to review prior to its August meeting for action. The policies to be reviewed are

the Board Responsibility and Conflict of Interest Policy and the Client Complaint and Appeal Process. Ms. Hollowell suggested that VOPA draft a policy that they would like to see implemented for the Board to review.

In addition, Ms. Hollowell had suggested to the Board, to come up with a draft policy to ensure that each Board member will use the best practices under State Laws and Regulations affecting Board Operations on its travel regulations.

Strategic Planning Committee

Colleen Miller gave the update for the Strategic Planning Committee as the Chair; Mr. Cooper was not able to attend that portion of the Board meeting. It was reported that Ms. Miller met with Mr. Cooper a few weeks ago to discuss Strategic Plans. During the meeting, it was strongly encourage by Mr. Cooper, for Ms. Miller to seek assistance from NAPAS. After consulting with them, they suggested priority setting should take place first. Ms. Miller than advised that under the direction of NAPAS, priority setting would take place and the Board would reconsider the Strategic Plan Process.

Vision Statement

There was a discussion on the creation of a Vision Statement, in the future.

NEW BUSINESS

Good News Board

It was reported that the Good News Board is a board for staff to boast about the good work that they or their colleagues have done. The Chair suggested that the information displayed on the Good News Board be shared with Board members by email.

Priority Planning Process

The Chair announced that the Priority Planning Process will be taking place during the August 20 and 21 Board meeting. Information on priorities will be sent out prior to the meeting, for Board members to review, prior to the meeting.

Special Thanks/Recognition to Heidi Lawyer and Jonathan Martinis

The Chair would like for Board members to come up with an idea to give thanks and recognition to former Acting Director, Heidi Lawyer and Jonathan Martinis, for doing an excellent job overseeing the responsibilities and duties of the Office while the Board recruited for its new director.

Martha Bryant suggested to the Board to have the Executive Committee come up with an idea to offer special thanks and recognitions to both acting directors.

Announcement/Reminders

Barbara Barrett announced that the next official meeting of the Board is scheduled August 20 & 21, 2003, at the same location. The Protection and Advocacy of Individuals with Mental Illness Advisory Council will meet June 19, in Charlottesville and the Developmental Disabilities Advisory Council will meet July 17, 2003.

The Chair announced that Dink E. Shackleford has been appointed as the newest member to serve on the Virginia Board for Protection and Advocacy. Mr. Shackleford of Dryden, VA., will be replacing Ms. Marion Hawks of Midlothian, VA. Ms. Waja Grimm has been appointed to serve another term of one year on the Virginia Board for Protection and Advocacy.

The Chair would like for Marion Hawks' name be added to the list of names to thank and recognize for their dedication and hard work.

The Executive Director has made a request to Board members to provide her with some ideas for training under the Legal Rights Focus for its next meeting.

In addition, the Executive Director has requested that Board members provide her with any questions they have about program reports prior to the meeting, to ensure that staff is given time to prepare a response.

The Chair announced that training will be provided for its newest members, who will be serving on the Board. All are encouraged to attend.

NEXT MEETING

Barbara Barrett announced that the next official meeting of the Board is scheduled August 20 & 21, 2003, at the same location.

ADJOURNMENT

Having no further business of the Board, Ms. Hollowell made a MOTION to adjourn the meeting. Mr. Burmester seconded the MOTION and the meeting was adjourned at 2:50 p.m.

Accepted:

Barbara S. Barrett, Chair

DATE: _____